

REMARKS

The examiner is thanked for the very thorough and professional office action. Pursuant to that office action, Claims 9-12 have been cancelled, and Claims 1 and 17 rewritten to more definitely set forth the invention and obviate the rejection. Support for the amendment of Claim 1 can be found in original claims 9-12 and 17 as well as a description in the specification on page 27, lines 11-13. In short, Claim 1 has been amended to incorporate the subject matter of Claims 9-12, 17 and a portion of the specification. Also, the specification has been amended pursuant to the examiner's suggestions. The present amendment is deemed not to introduce new matter. Claims 1-3, 13, 14, 17, 18, 21 and 22 remain in the application, Claims 4-8, 15, 16, 19, 20, and 22 having been withdrawn as directed to non-elected inventions.

Reconsideration is respectfully requested of the objection to the Abstract.

The Abstract has been revised to include only one paragraph and correct grammatical errors. It is therefore believed that the objection is moot and withdrawal of the objection to the Abstract is therefore respectfully requested.

Reconsideration is respectfully requested of the objection to the specification under 35 U.S.C. 112, first paragraph. A substitute specification in accordance with 37 C.F.R. 1.125 is attached hereto. It is believed that the specification now complies with 35 U.S.C. 112, first paragraph. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of Claims 1-3, 9-14, 17-18, 21, and 23 on the ground of non-statutory obviousness-type double patenting as being unpatentable

over Claims 1-4 of co-pending application 12/087,055.

Claim 1, the only independent claim remaining in the present application, has been extensively amended herein to require the following:

“wherein the dissolution liquid reservoir is formed by subjecting a sheet material to mold processing, having the protruding portion processed to at least a portion, and wherein a portion of the diaphragm in contact with the dissolution liquid has an oval shape and the protruding portion of the dissolution liquid reservoir has a linear top end portion extending along the longitudinal axis of the oval, and when the length of the linear top end portion is represented by L1 and the length of the longitudinal axis of the portion of the diaphragm in contact with the dissolution liquid is represented by L2, the following relationship is satisfied $0.1 \times L2 \leq L1 \leq 0.5 \times L2$, or wherein a portion of the diaphragm in contact with the dissolution liquid has a circular shape and the protruding portion of the dissolution liquid reservoir has a cruciform top end portion, and when the length of both bars of the cruciform top end portion are represented by L10 and L11, respectively, and the diameter of the portion of the diaphragm in contact with the dissolution liquid is represented by L2, the following relationship is satisfied $0.1 \times L2 \leq L10 \leq 0.5 \times L2$ and/or $0.1 \times L2 \leq L11 \leq 0.5 \times L2$.”

It is respectfully submitted that none of the claims in co-pending application 12/087,055 cover the structure now called for in the claims herein or require the limitations now required by amended Claim 1 as recited above. It is accordingly submitted that the claims herein are patentably distinct from the claims in co-pending application 12/087,055. For this reason, the examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is

accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of Claims 1-3, 9-14, 17-18, 21 and 23 on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-9 of co-pending application No. 12/441,842.

As indicated above, Claim 1, the only independent claim remaining in the present application, has been extensively amended herein to require the following:

“wherein the dissolution liquid reservoir is formed by subjecting a sheet material to mold processing, having the protruding portion processed to at least a portion, and wherein a portion of the diaphragm in contact with the dissolution liquid has an oval shape and the protruding portion of the dissolution liquid reservoir has a linear top end portion extending along the longitudinal axis of the oval, and when the length of the linear top end portion is represented by L1 and the length of the longitudinal axis of the portion of the diaphragm in contact with the dissolution liquid is represented by L2, the following relationship is satisfied $0.1 \times L2 \leq L1 \leq 0.5 \times L2$, or wherein a portion of the diaphragm in contact with the dissolution liquid has a circular shape and the protruding portion of the dissolution liquid reservoir has a cruciform top end portion, and when the length of both bars of the cruciform top end portion are represented by L10 and L11, respectively, and the diameter of the portion of the diaphragm in contact with the dissolution liquid is represented by L2, the following relationship is satisfied $0.1 \times L2 \leq L10 \leq 0.5 \times L2$ and/or $0.1 \times L2 \leq L11 \leq 0.5 \times L2$.”

It is respectfully submitted that none of the claims in co-pending application 12/087,055 cover the structure now called for in the claims herein as recited above. It is accordingly

submitted that the claims herein are patentably distinct from the claims in co-pending application 12/441,842. For this reason, the examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of Claims 1-3, 9-14 and 23 under 35 U.S.C. 103(a) as being unpatentable over Heiber, et al. in view of Wakizaka, et al. and Konno.

Heiber, et al., the examiner's primary or principal reference, fails to disclose a number of important elements called for in the claims herein. As the examiner recognizes, Heiber, et al. does not explicitly disclose absorbent material containing the therapeutic agent located under the separating membrane. Moreover, the examiner recognizes that Heiber, et al. do not explicitly teach the protrusion to break the membrane or the separating layer having openings in the center as required by Claim 1 or the separating membrane of aluminum foil required by Claim 23.

In addition, it is respectfully submitted that Heiber, et al. also fails to disclose or suggest the limitations now required by the current amendment to Claim 1. As indicated above, Claim 1 now requires the additional limitation as set forth below:

“wherein the dissolution liquid reservoir is formed by subjecting a sheet material to mold processing, having the protruding portion processed to at least a portion, and wherein a portion of the diaphragm in contact with the dissolution liquid has an oval shape and the protruding portion of the dissolution liquid reservoir has a linear top end portion extending along the longitudinal axis of the oval, and when the length of the linear top end portion is represented by L1 and the length of the longitudinal axis of the portion of the diaphragm in contact with the dissolution

liquid is represented by L2, the following relationship is satisfied $0.1 \times L2 \leq L1 \leq 0.5 \times L2$, or wherein a portion of the diaphragm in contact with the dissolution liquid has a circular shape and the protruding portion of the dissolution liquid reservoir has a cruciform top end portion, and when the length of both bars of the cruciform top end portion are represented by L10 and L11, respectively, and the diameter of the portion of the diaphragm in contact with the dissolution liquid is represented by L2, the following relationship is satisfied $0.1 \times L2 \leq L10 \leq 0.5 \times L2$ and/or $0.1 \times L2 \leq L11 \leq 0.5 \times L2$."

One of the advantages of the structure shown in Fig. 9 is that when the protruding portion 93 is pressed in use and the diaphragm 92 is broken along the linear top end portion, solution 91 flows out well with the result that the remaining amount of solution can be reduced.

(Specification, page 25, lines 1-4). Another feature now described in Claim 1 is shown in Fig. 10 and discussed in the specification, page 25, lines 8-21. An advantage of this structure is that when the protruding portion 103 is pressed in use and the diaphragm 102 is broken widely by the cruciform top end portion 104, the solution can flow out well, with the result that the remaining amount of solution can be reduced. (Specification, page 25, lines 22-25)

It is respectfully submitted that neither of the examiner's secondary references of Wakizaka, et al. and Konno, et al. cure the deficiencies of the primary reference, Heiber, et al. since neither of the secondary references disclose the structures and limitations now required by the amendment of Claim 1 herein. It is therefore respectfully urged that the examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is accordingly respectfully requested.

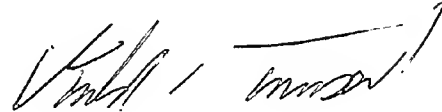
Reconsideration is respectfully requested of the rejection of Claims 17, 18, and 21 under 35 U.S.C. 103(a) as being unpatentable over the combination of Heiber, et al., Wakizaka, et al., and Konno, et al. and further in view of Blum, et al.

There is no disclosure whatever in Blum, et al. of the newly added structure and limitations to independent Claim 1 herein. For this reason, it is believed that the examiner's combination of references fail to anticipate or render patentably unobvious the subject matter now called for in the claims herein. Consequently, the examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is accordingly respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action and allowance thereof is accordingly respectfully requested. In the event there is any reason why the application cannot be allowed at the present time, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems.

Respectfully submitted,

TOWNSEND & BANTA

A handwritten signature in black ink, appearing to read 'Donald E. Townsend', written over a horizontal line.

Donald E. Townsend
Reg. No. 22,069

Customer No. 27955

TOWNSEND & BANTA
c/o FoundationIP
P.O. Box 52050
Minneapolis, MN 55402
(202) 220-3124

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